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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,877	09/01/2001	Carl A. Caroli	4	2788

7590 06/16/2004

Docket Administrator (Room 3J-219)  
Lucent Technologies Inc.  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

EXAMINER

PHAN, HANH

ART UNIT	PAPER NUMBER
2633	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/944,877	CAROLI, CARL A.
<b>Examiner</b>	<b>Art Unit</b>	
Hanh Phan	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 September 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 6 and 7 is/are allowed.

6)  Claim(s) 1-5 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rumer (Pub. No. US 2002/0159115 A1) in view of Danagher et al (US Patent No. 6,101,012).

Regarding claim 1, referring to Figure 2, Rumer discloses a network element coupled to a plurality of optical transmission paths via respective interfaces (i.e., interfaces 205D, 205C, 205A, 205B, 210A, 210B, Fig. 2) wherein the optical transmission path carries a wavelength division multiplexed (WDM) signal having a plurality of optical channels, the network element comprising:

at each interface (i.e., at interface 205A and 205B, Fig. 2), an add/drop routing element (i.e., 205A, 205B, west add, west drop, optical switches, Fig. 2) for receiving a WDM input signal (i.e., WEST RX, Fig. 2), for selectively dropping individual optical channels from the WDM input signal at the network element (i.e., WEST DROP signal, Fig. 2), for selectively adding individual optical channels for transmission in a WDM output signal (i.e., WEST ADD signal, Fig. 2), and for selectively routing individual optical channels from the WDM input signal to any other interface for transmission in any of the plurality of optical transmission paths (see pages 1 and 2, paragraphs [0013]-[0015]).

Rumer differs from claim 1 in that he fails to teach each optical transmission path carries a wavelength division multiplexed signal. However, Danagher in US Patent No. 6,101,012 teaches each optical transmission path carries a wavelength division multiplexed signal (Fig. 4, col. 8, lines 10-48). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to incorporate the each optical transmission path carries a wavelength division multiplexed signal as taught by Danagher in the system of Rumer. One of ordinary skill in the art would have motivated to do this since Danagher suggests in column 8, lines 10-48 that using such each optical transmission path carries a wavelength division multiplexed signal has advantage of allowing providing an optical communication network with high speed and high capacity.

Regarding claims 2, 4 and 5, Rumer further teaches the add/drop routing element includes:

an optical distributor portion (i.e., wavelength division demultiplexer WDM 205B, Fig. 2) adapted for receiving the WDM input signal (i.e., WEST RX, Fig. 2) for dropping selected optical channels from the WDM input signal (i.e., WEST DROP signal, Fig. 2), and for selectively routing remaining optical channels to one of the other interfaces; and an optical combiner portion (i.e., wavelength division multiplexer 205A, Fig. 2) adapted for adding individual optical channels to the WDM output signal (i.e., WEST ADD signal, Fig. 2) and further adapted for receiving and combining optical channels supplied from one or more other add/drop routing elements associated with other interfaces with the individual optical channels being added to generate the W DM output signal.

Regarding claim 3, the combination of Rumer and Danagher teaches the individual optical channels are capable of being selectively routed among any of the plurality of optical transmission paths via the respective interfaces (Fig. 2 of Rumer and Fig. 4 of Danagher).

***Allowable Subject Matter***

4. Claims 6 and 7 are allowed.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (703)306-5840.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703)305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Hanh Phan

Hanh Phan

06/08/2004